

SEP 12 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Public Service Cellular, Inc.)

Petition for Designation as an)
Eligible Telecommunications Carrier)
in the State of Alabama)
_____)

CC Docket No. 96-45

FCC 97-419

FCC File No. _____

To: Chief, Wireline Competition Bureau

PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF ALABAMA

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EXHIBITS

- Exhibit 1: Map of PSC's ETC Designated Service Areas in Alabama; List of Non-Rural Wire Centers for which ETC Designation is Requested
- Exhibit 2: Pine Belt Cellular, Inc. and Pine Belt PCS, Inc., Petition for ETC Status and/or Clarification Regarding the Jurisdiction of the Commission to Grant ETC Status to Wireless Carriers, Alabama Public Service Commission Docket U-4400, *Order*, rel. Mar. 12, 2002
- Exhibit 3: Declaration of Donald E. Bond
- Exhibit 4: Anti-Drug Abuse Certification

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RECEIVED

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**PETITION FOR DESIGNATION AS AN
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IN THE STATE OF ALABAMA**

Public Service Cellular, Inc. ("PSC"), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended ("Act"),¹ and the Federal Communications Commission's ("Commission" or "FCC") *Section 214(e)(6) Public Notice*² hereby petitions the Wireline Competition Bureau ("WCB") to designate PSC as an eligible telecommunications carrier ("ETC") for those areas within its licensed service area in the State of Alabama currently served by *non-rural* telephone companies, *i.e.*, BellSouth Telecommunications, Inc. ("BellSouth") and CenturyTel of Alabama, LLC ("CenturyTel"). The Alabama Public Service Commission ("APSC") lacks the jurisdiction to grant the ETC designation requested herein;

¹ 47 U.S.C. § 214(e)(6)

² Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice, 12 FCC Rcd 22947 (1997) ("*Section 214(e)(6) Public Notice*"), wherein the Commission delegated authority to the Wireline Competition Bureau to designate carriers as ETCs.

accordingly, the Commission has authority to consider this petition. As demonstrated below, PSC meets all statutory and regulatory requirements for ETC designation to serve Alabama customers, and designating PSC as an ETC will serve the public interest.

I. PSC's UNIVERSAL SERVICE OFFERINGS

PSC is a commercial mobile radio service ("CMRS") carrier, licensed by the Commission to provide personal communications services ("PCS") and cellular communication services. PSC provides analog and TDMA-based CMRS wireless service in: the Columbus, GA/AL MSA; Alabama RSAs 5 and 8; and in the Anniston, AL and the Columbus, GA BTAs.³ PSC intends to obtain high cost, universal service support to speed delivery of advanced wireless services to Alabama citizens. PSC's service offerings will be competitive with those offered by incumbent LECs, and PSC will offer a basic universal service package to subscribers eligible for Lifeline support.

PSC provides all of the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission's Rules, throughout its PCS and cellular service areas in Alabama. Upon ETC designation, PSC will make available to consumers a universal service offering over its existing PCS and cellular network infrastructure and spectrum, using the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities the company uses to serve its existing wireless customers.

³ The Call Signs corresponding to PSC's licensed CMRS markets are as follows: KNKA415 – Columbus GA/AL MSA; KNKN687 – AL RSA 5; KNKN932 – AL RSA 8; KNLH422 – Anniston AL BTA; and KNLH421 – Columbus, GA BTA. .

II. THE AREAS FOR WHICH PSC SEEKS ETC DESIGNATION

Section 214(e)(2) provides that ETC designations shall be made for a “service area” designated by the state commission. Section 214(e)(5) defines “service area” as a geographic area established by the state commission. Pursuant to Section 54.207 of the Commission’s Rules, 47 C.F.R. § 54.207, a “service area” is a “geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms.” For non-rural service areas, there are no restrictions on how a state commission defines the “service area” for purposes of designating a competitive ETC. Accordingly, PSC requests designation as an ETC only in those portions of its FCC-licensed service area that are served by non-rural telephone companies.

The non-rural areas for which PSC requests ETC designation are shown in the map attached hereto as Exhibit 1. Specifically, the ETC-designated areas are the yellow and beige, cross-hatched areas on the map in Exhibit 1 that correspond, respectively, to the BellSouth and CenturyTel wire centers within PSC’s licensed service area in Alabama. To the extent that PSC serves only a portion of a BellSouth or CenturyTel wire center, PSC hereby requests (and the Exhibit 1 map depicts) ETC designation in that portion of the wire center where PSC provides service. The designated ETC areas requested by PSC and depicted in Exhibit 1 are entirely and without exception *non-rural*.⁴

III. PSC SATISFIES ALL THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

PSC satisfies each of the five elements required for ETC designation by the Commission, set forth in the Commission’s *Section 214(e)(6) Public Notice*, as shown below.

⁴ The solid gray line in the Exhibit 1 map depicts the boundary of PSC’s composite PCS and cellular service territories, as licensed by the Commission.

A. PSC is not Subject to the Jurisdiction of the Alabama Public Service Commission

PSC is a CMRS provider, and the Commission has previously recognized that a CMRS provider may seek designation as an ETC.⁵ Section 254(e) of the Act provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal service support.” Pursuant to Section 214(e)(6) of the Act, the Commission may, upon request, designate as an ETC “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State Commission.”

In the *Section 214(e)(6) Public Notice*, the Commission established that a carrier seeking to be designated as an ETC by the Commission pursuant to Section 214(e)(6) must demonstrate it “is not subject to the jurisdiction of a state commission.”⁶ In its *Twelfth Report and Order*, the Commission stated that where a carrier provides the Commission with an “affirmative statement” from the state commission or a court of competent jurisdiction that the state lacks jurisdiction to perform the designation, the Commission would consider a request for ETC status filed pursuant to 214(e)(6) by that carrier.⁷

⁵ See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *First Report and Order*, 12 FCC Rcd. 8776, 8858-59, ¶ 145 (1997) (“*Universal Service First Report and Order*”); See also, Federal-State Joint Board on Universal Service, Access Charge Reform, *Seventh Report and Order and Thirteenth Order on Reconsideration* in CC Docket No. 96-45, *Fourth Report and Order* in CC Docket No. 96-262, and *Further Notice of Proposed Rulemaking*, FCC 99-119 at ¶ 72 (rel. May 28, 1999).

⁶ *Section 214(e)(6) Public Notice* at 22948.

⁷ Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, *Twelfth Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 12208, 12264 (2000) (“*Twelfth Report and Order*”).

On March 12, 2002, the APSC released an order in Docket U-4400 regarding the Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. ETC Petition. The APSC stated in the order that:

Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).⁸

In addition, the APSC has stated that it “has no authority to regulate, *in any respect*, cellular services, broadband personal communications services, and commercial mobile radio services in Alabama.”⁹ Read together, the foregoing excerpts constitute an affirmative statement that the APSC lacks jurisdiction over CMRS applicants seeking ETC status with respect to service areas in Alabama. Section 214(e)(6) of the Act directs the Commission, upon request, to perform the ETC designation for “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.” For purposes of designation as an ETC in Alabama, PSC’s CMRS offerings constitute telephone exchange service and exchange access.¹⁰ Because these offerings are outside the jurisdiction of a state commission, the Commission is the appropriate regulatory authority to consider PSC’s instant petition for ETC status.

⁸ The ASPC’s March 12, 2002 order in Docket U-4400 is attached hereto as Exhibit 2.

⁹ *Farmers Cellular Telephone, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Memorandum Opinion and Order, 18 FCC Rcd 182 (¶ 8) (Wireline Comp. Bur. 2003), citing Alabama Public Service Commission Letter, dated January 15, 2002, at 2 (emphasis in the original).

¹⁰ *See Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, First Report and Order, 11 FCC Rcd 15499, 15999 (¶1013), sub. hist. omitted.

B. PSC Provides all Services Supported by the Federal High-Cost Universal Service Program

The *Section 214(e)(6) Public Notice* requires an ETC applicant to certify that it provides each of the supported services or, where appropriate, its functional equivalent.¹¹ As shown below and in the Declaration attached as Exhibit 3 hereto, PSC satisfies the Commission's requirements that an ETC designated pursuant to Section 214(e)(6) "offer, or will be able to offer, all of the services designated for support by the Commission."¹²

1. Voice-Grade Access to the Public Switched Network. The Commission concluded that voice-grade access means the ability to make and receive phone calls, within a bandwidth of approximately 2700-Hertz within 300 to 3000 Hertz frequency range.¹³ As a PCS and cellular service provider in Alabama, PSC provides voice-grade access to the public switched network. Through interconnection agreements with LECs, PSC is able to originate and terminate telephone service for all of its subscribers. All PSC customers are able to make and receive calls on the public switched telephone network within the specified bandwidth.

¹¹ *Section 214(e)(6) Public Notice* at 22948. In a recently released order, the Commission adopted the recommendation of the Federal-State Joint Board on Universal Service ("Joint Board") declining to expand the list of services supported by universal service. The Commission agreed with the Joint Board that, with the possible exception of equal access (for which the Commission deferred its decision), "no new service satisfies the statutory criteria contained in section 254(c) of the Communications Act of 1934, as amended ("Act") or should be added to the list of core services." Federal-State Joint Board on Universal Service; Order and Order On Reconsideration in CC Docket No. 96-45 (FCC 03-170), rel. July 14, 2003 (¶ 1).

¹² *Designation of Fort Mojave Telecommunications, Inc., et al., as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 13 FCC Rcd. 4547, 4552, ¶ 11 (CCB 1998) ("Fort Mojave"). *Fort Mojave* holds that the Commission will designate carriers as ETCs, pursuant to Section 214(e)(6), upon finding that they "offer or will be able to offer" the supported services throughout the service area.

¹³ *See Universal Service First Report and Order*, 12 FCC Rcd at 8810-11 (1997).

2. Local Usage. PSC service includes local usage that allows customers to originate and terminate calls within the local calling area without incurring toll charges. The service allows for unlimited local calling for a flat-rated monthly charge. PSC currently offers several service options that include varying amounts of local usage in monthly service plans. To date, the Commission has not quantified any minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue.¹⁴ Any minimum local usage requirement established by the Commission as a result of the above-mentioned proceeding will be applicable to all designated ETCs. PSC will comply with any and all minimum local usage requirements adopted by the Commission. Thus, even though the Commission has yet to adopt any specific quantity of minimum local usage ETCs must provide for designation, PSC clearly satisfies the local usage criterion for ETC designation.

3. Functional Equivalent of Touch-Tone ("DTMF") Signaling. DTMF (dual-tone, multi-frequency) signaling is a methodology that facilitates transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the Commission permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement.¹⁵ PSC currently uses out-of-band digital signaling and in-band multi-frequency signaling that is functionally equivalent to DTMF signaling.¹⁶ PSC, therefore, meets the requirements of providing DTMF signaling or its functional equivalent.

¹⁴ See, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998).

¹⁵ 47 C.F.R. § 54.101(a)(3)

¹⁶ *Universal Service First Report and Order*, 12 FCC Rcd at 8815, ¶ 71 (1997).

4. Single Party Service. “Single-party service” means that a subscriber loop or access line serves only one party, in contrast to a multi-party line.¹⁷ The Commission concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user’s particular transmission. PSC meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.¹⁸

5. Access to Emergency Service. The ability to reach a public emergency service provider through dialing 911 is a required universal service offering. Customers can reach an emergency dispatch, or public safety answering point (“PSAP”), by dialing “911.” Upon dialing “911,” the customer’s emergency call will be routed to the appropriate PSAP.

Enhanced 911 (“E911”), which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is required only if a public emergency service provider is capable of both receiving and utilizing the ANI and ALI data, and has arranged with the wireless carrier for delivery of this data.¹⁹ PSC currently provides all of its customers with access to emergency services by dialing 911. Currently, PSC is offering Phase I E911 service where PSAPs have requested such service. There are no outstanding requests for Phase II E911 service within PSC’s FCC-licensed service area in Alabama, although PSC anticipates being able to provide Phase II E911 within six months of a valid PSAP request once it has completed the process of overlaying and ultimately replacing its existing TDMA infrastructure with GSM technology. By providing 911 service as well as E911 Phase I service where requested, and by undertaking extensive system

¹⁷ See *Universal Service First Report and Order*, 12 FCC Rcd at 8810.

¹⁸ *Id.*

¹⁹ See, *id.* at 8815-8817.

modifications that will allow it to provide Phase II E911 service upon request, PSC meets the Commission's requirement to provide access to emergency service.²⁰

6. Access to Operator Services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. PSC currently offers its subscribers access to operator services for the placement and billing of telephone calls, including collect calls, calling card calls, credit card calls, person-to-person calls, and third party calls, as well as obtaining related information. Moreover, PSC will make such services available throughout its designated service area. Therefore, PSC meets this requirement by providing all of its customers with access to operator services.

7. Access to Interexchange Service. An ETC providing universal service must offer consumers access to interexchange service to make and receive toll or interexchange calls.²¹ PSC has direct interconnection agreements with one or more interexchange carriers ("IXCs"), as well as indirect connections with other IXCs. As a result, PSC meets the requirement to provide all of its customers with the ability to make and receive interexchange or toll calls through its direct interconnection arrangements with an IXC.

²⁰ The Commission has granted ETC status to other wireless carriers notwithstanding the lack of E911 capability at the time the application was filed *See, e.g.,* Federal-State Joint Board on Universal Service, CC Docket No. 96-45; *Guam Cellular and Paging, Inc. d/b/a Guamcell Communications Petition for Designation as an Eligible Telecommunications Carrier in the Territory of Guam*, Memorandum Opinion and Order, DA 02-174, rel. Jan. 25, 2002 (designating Guam Cellular and Paging, Inc. as an ETC, even though at the time its petition was filed Guamcell provided no E911 service to its subscribers because no public emergency service provider had requested that Guamcell provide Phase I or II E911. *See* Guamcell Petition for Designation as an Eligible Telecommunications Carrier in the Territory of Guam, filed Jul. 26, 2001 at 6.)

²¹ Equal access, however, is not presently required. *See* text at note 11, *supra*.

8. Access to Directory Assistance. The ability to place a call to directory assistance is a required service offering of an ETC. PSC meets this requirement by providing all of its customers with access to information contained in directory listings by dialing “411” or “555-1212.”

9. Toll Limitation for Qualifying Low-Income Customers. An ETC must offer toll restriction, which can be in the form of “toll control” or “toll blocking” services to qualifying Lifeline universal service customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9).²² All ETCs must provide toll blocking, which allows customers to block the completion of outgoing toll calls. Toll control allows the customer to limit the toll charges a subscriber can incur during a billing period. PSC currently has no Lifeline customers because only carriers who have been granted ETC status can provide Lifeline service. *See* 47 C.F.R. §§ 54.400 *et seq.* Once designated an ETC, PSC will participate in Lifeline as required, and will provide toll blocking capability in accordance with Commission requirements. Currently, PSC provides toll blocking services for international calls and customer selected toll calls. PSC will utilize the same toll blocking technology to provide toll limitation for qualifying low-income customers, at no charge, as part of its universal service offerings.

C. PSC Will Provide the Supported Services Using its Own Facilities

PSC will provide the supported services under Section 214(e)(1)(A) of the Act and Section 54.101(a) of the Commission’s rules using PSC’s existing PCS and cellular network infrastructure, consisting of switching, trunking, cell sites, and network equipment, together with

²² *See* Federal-State Joint Board on Universal Service, *Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72* 13 FCC Rcd 5318 (1997).

any expansions and enhancements to that network. Should the Commission ultimately find that the geographic area in which PSC is designated an ETC includes service areas that are outside PSC's FCC-licensed service area, PSC will provide service to any requesting customers through use of commercially reasonable efforts to serve customers in such areas requesting service from PSC.

D. PSC will Advertise its Universal Service Offering

PSC will advertise the availability of its universal service offering and the corresponding charges using media of general distribution. Currently, PSC employs several advertising media to promote its PCS and cellular service offerings. PSC will use these same general distribution media, as necessary, to insure that consumers within its designated service area are fully informed of its universal service offering. Moreover, considering that ETCs receive universal service support only to the extent they serve customers, PSC will have a keen economic incentive, reinforcing its statutory obligations, to promote its universal service offering in Alabama. PSC will comply with all form and content requirements, if any, subsequently promulgated by the Commission and imposed on all designated ETCs.

E. Designating PSC as an ETC will Advance the Public Interest

PSC requests designation as an ETC for exclusively *non-rural* wire centers that fall within PSC's FCC-licensed service area in Alabama. PSC will make available its universal service offering, including all of the services and functionalities set forth by the Commission in 47 C.F.R. § 54.101, throughout its ETC-designated service area. Section 214(e)(2) of the Act states that, in areas other than those served by a rural telephone company, the appropriate regulatory authority shall "designate more than one common carrier as an eligible telecommunications carrier" Consistent with this statutory provision, grant of PSC's instant petition will serve the public interest, convenience and necessity.

Designating PSC as an additional ETC in the area depicted in Exhibit 1 hereto has multiple public interest advantages. First, designating PSC as an ETC will facilitate competition in the provision of universal service, a direct benefit to consumers in Alabama.²³ Second, designating PSC as an ETC will advance universal service by bringing consumers in Alabama new telecommunications service, including wireless service. Third, designating PSC as an ETC in rural areas of Alabama will promote rapid development of new technologies in those areas. By deploying its own advanced facilities, PSC will motivate competing ETCs to improve their networks to stay competitive, resulting in the availability of improved services to Alabama consumers.

IV. HIGH COST CERTIFICATIONS

Under Sections 54.313 and 54.314 of the Commission's Rules, carriers seeking high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, must self-certify with the FCC and the Universal Service Administrative Company ("USAC") their compliance with Section 254(e) of the Act. As previously explained, the APSC has declined jurisdiction over CMRS carriers like PSC. Therefore, in accordance with Sections 54.313 and 54.314, PSC will submit, either simultaneously with the filing of the instant petition or shortly thereafter, its high-cost certifications with the Commission and with the USAC.

²³ See *Universal Service First Report and Order*, 12 FCC Rcd. at 8781, ¶ 4 (quoting Joint Explanatory Statement recital that goal of 1996 Act is to establish "a pro-competitive ... framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to *all* Americans by opening *all* telecommunications markets to competition") (*emphasis added*).

V. ANTI-DRUG ABUSE CERTIFICATION

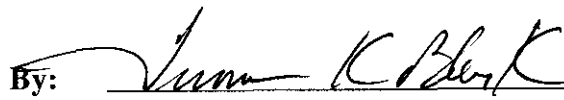
PSC certifies that no party to this Petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 862.²⁴

VI. CONCLUSION

For the foregoing reasons, the Commission should designate PSC as an ETC for its requested designated service territories in Alabama.

Respectfully submitted,

PUBLIC SERVICE CELLULAR, INC.

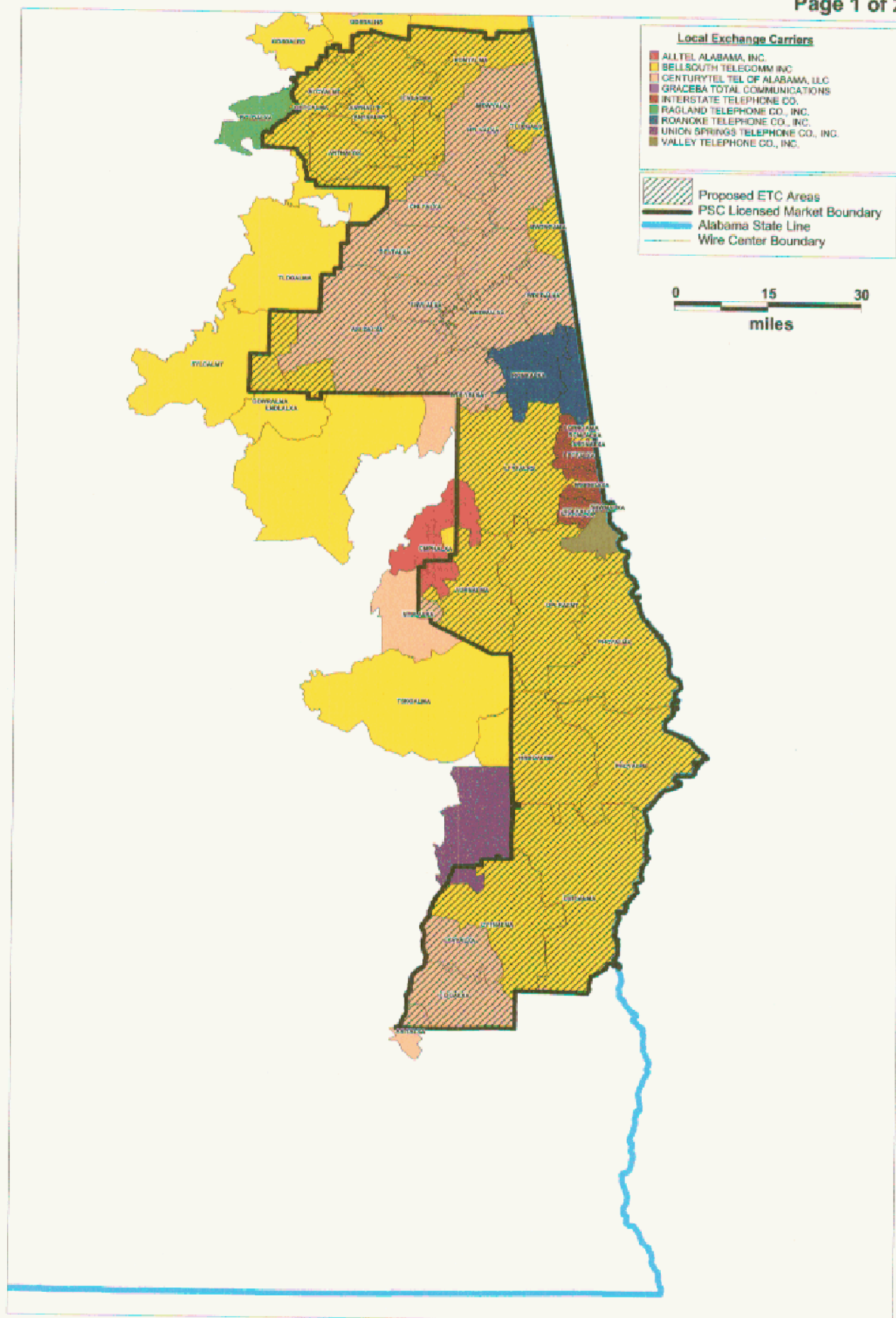
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Its Attorneys

Dated: September 12, 2003

²⁴ 21 U.S.C. § 862. *See* Exhibit 4 hereto.



Company Name	Wire Center	CLLI Code	Partial
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	ALEXANDER CITY	ALCYALMT	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	ANNISTON	ANTNALLE	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	ANNISTON	ANTNALMT	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	ANNISTON	ANTNALOX	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AUBURN	AUBNALMA	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	CLAYTON	CYTNALMA	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	EUFAULA	EUFLALMA	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	GADSDEN	GDSDALHS	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	GADSDEN	GDSDALRD	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	GOODWATER	GDWRALMA	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	HURTSBORO	HRBOALOM	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	JACKSONVILLE	JCVLALMA	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	LAFAYETTE	LFYTALRS	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	OHATCHEE	OHTCALMA	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	OPELIKA	OPLKALMT	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	PHENIX CITY	PHCYALFM	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	PHENIX CITY	PHCYALMA	
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	PIEDMONT	PDMTALMA	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	SYLACAUGA	SYLCALMT	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	TALLADEGA	TLDGALMA	X
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	TUSKEGEE	TSKGALMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	FRUITHURST	TLLPGAES	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	OAKLAND	LGRNGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RANBURNE	BWDNGAMA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	ASHLAND	ASLDALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	CHULAFINNE	CHLFALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	DELTA	DELTALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	HEFLIN	HFLNALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	LECTA	LECTALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	LINEVILLE	LNVLALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	MORRISONS CROSS ROADS	MRCRALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	NOTASULGA	NTSLALXA	X
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	WADLEY	WDLYALXA	X
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	WEDOWEE	WEDWALXA	
CENTURYTEL TEL OF ALABAMA, LLC (NORTHERN)	WOODLAND	WDLDALXA	
CENTURYTEL TEL OF ALABAMA, LLC (SOUTHERN)	ARITON	ARITALXA	X
CENTURYTEL TEL OF ALABAMA, LLC (SOUTHERN)	CLIO	CLIOALXA	
CENTURYTEL TEL OF ALABAMA, LLC (SOUTHERN)	LOUISVILLE	LSVLALXA	

*1 For Those line entries marked with an "X", PSC is licensed to serve a portion, but not all, of the wire center. PSC is requesting ETC status for partially served wire centers.



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 981
MONTGOMERY, ALABAMA 36101-0881

JIM SULLIVAN, PRESIDENT
JAN COOK, ASSOCIATE COMMISSIONER
GEORGE C. WALLACE, JR., ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.
SECRETARY

**PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,**

Joint Petitioners

PETITION: For ETC status and/or
clarification regarding the jurisdiction
of the Commission to grant ETC status
to wireless carriers.

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC 8214(a). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

DOCKET U-4400 - #2

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-412) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 29414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1998, the APSC has no authority to regulate, in any respect, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

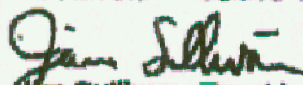
DOCKET U-4400 - #3


IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

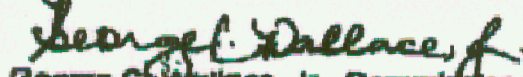
IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12th day of March, 2002.

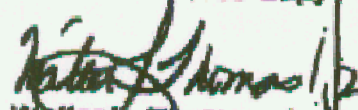
ALABAMA PUBLIC SERVICE COMMISSION


Jim Sullivan, President


Jan Cook, Commissioner


George C. Wallace, Jr., Commissioner

ATTEST: A True Copy


Walter L. Thomas, Jr., Secretary

Declaration of Donald E. Bond

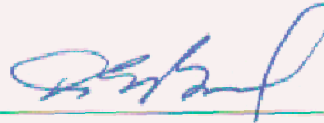
I, Donald E. Bond, do hereby declare under penalty of perjury that:

1. I am President of Public Service Cellular, Inc. ("PSC");
2. This Declaration is submitted in support of PSC's foregoing Petition for Designation as an Eligible Telecommunications Carrier in the State of Georgia ("Petition");
3. I have reviewed the Petition and the facts stated therein, of which I have personal knowledge, are true and correct to the best of my knowledge;
4. PSC provides analog and TDMA-based CMRS wireless service in Georgia pursuant to its cellular and PCS licenses for the following markets: Columbus, GA/AL MSA; Georgia RSAs 5, 6 and 9; and the Columbus, GA and the Anderson, SC BTAs. As stated in the Petition, PSC meets the criteria for ETC designation in its FCC-licensed service areas;
5. I hereby certify that, as described in the Petition, PSC is not subject to the jurisdiction of the Georgia Public Service Commission;
6. PSC currently offers and is able to provide, within its designated service area, the services and functionalities identified in 47 C.F.R. §54.101(a) listed below and fully described in the Petition:
 - a. Voice-grade access to the public switched telephone network;
 - b. Local Usage;
 - c. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
 - d. Single-party service or its functional equivalent;
 - e. Access to emergency services;
 - f. Access to operator services;
 - g. Access to interexchange service;
 - h. Access to directory assistance; and
 - i. Toll limitation for qualifying low-income consumers;

Exhibit 3

Page 2 of 2

7. PSC will provide the supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services;
8. PSC advertises, or will advertise, the availability of supported services and the corresponding charges using media of general distribution, as described in the Petition;
9. To the best of my knowledge, neither PSC, nor its officers, directors, or persons holding 5% or more of PSC's outstanding stock or shares (voting and/or nonvoting), as specified in Section 1.2002(b) of the Commission's Rules, are subject to a denial of federal benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862; and
10. The foregoing is true, complete and correct to the best of my knowledge, information and belief.



Donald E. Bond

Dated: September 10, 2003

Exhibit 4

Anti-Drug Abuse Declaration

I, Donald E. Bond, do hereby declare under penalty of perjury that:

1. I am President of Public Service Cellular, Inc. ("PSC");
2. To the best of my knowledge, neither PSC nor its officers, directors, or persons holding 5% or more of PSC's outstanding stock or shares (voting and/or nonvoting), as specified in Section 1.2002(b) of the Commission's Rules, are subject to a denial of federal benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862; and
3. The foregoing is true, complete and correct to the best of my knowledge, information and belief.

Executed on this 10 day of September, 2003



Donald E. Bond
President

CERTIFICATE OF SERVICE

I, Mika C. Summers, a secretary with the law offices of Kurtis & Associates, P.C., do hereby certify that I have this 12th day of September, 2003, had copies of the foregoing PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER sent via Overnight UPS Delivery to the following:

Ms. Marlene Dortch, Secretary*
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Qualex International*
Portals II
445 12th Street, S.W.
Washington, D.C. 20554

Sheryl Todd*
Wireline Competition Bureau
Telecommunications Access Policy Division
Federal Communications Commission
445 12th Street, S.W.
Room 5B 540
Washington, D.C. 20554

Walter L. Thomas, Jr. Secretary
Alabama Public Service Commission
RSA Building
100 North Union Street
Suite 850
Montgomery, Alabama 36101


Mika C. Summers

*Hand-Delivered